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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205331
Party	Defendant Kerry Earnhardt, Inc.
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Submission	Motion to Consolidate
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Date	09/10/2012
Attachments	3137719 v1 KERRY EARNHARDT - Joint Consented Motion to Consolidate Opposition Proceedings.pdf (2 pages)(66690 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Teresa H. Earnhardt,)	
)	
Opposer,)	Opposition No. 91205331
)	
v.)	In the matter of Trademark Application
)	Serial No. 85/383,910
Kerry Earnhardt, Inc.,)	Trademark: EARNHARDT COLLECTION
)	
Applicant.)	
-----	X	

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Teresa H. Earnhardt,)	
)	
Opposer,)	Opposition No. 91205338
)	
v.)	In the matter of Trademark Application
)	Serial No. 85/391,456
Kerry Earnhardt, Inc.,)	Trademark: EARNHARDT COLLECTION
)	
Applicant.)	
-----	X	

JOINT CONSENTED MOTION TO CONSOLIDATE OPPOSITION PROCEEDINGS

Pursuant to TBMP § 511 and Rule 42(a), F.R.Civ.P., Opposer Teresa H. Earnhardt and Applicant Kerry Earnhardt, Inc., by their attorneys, jointly move for consolidation of Opposition Nos. 91205331 and 91205338.

Each of the subject proceedings involves an application to register the designation EARNHARDT COLLECTION as a trademark or service mark, and each opposition is based on the same or similar grounds. Accordingly, the two proceedings involve identical parties and common or related questions of law and fact for the Board to resolve. To avoid a duplicity of

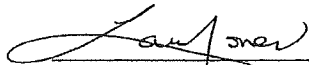
testimony and other unnecessary expense, and for the convenience of the parties and the Board, these proceedings should be consolidated.

The parties also note and submit that consolidation need not require a modification of the pending deadlines in either proceeding inasmuch as the TTAB's scheduling order in these proceedings set identical deadlines in each proceeding.

Respectfully submitted by the parties' undersigned attorneys.

Date: September 6, 2012

Date: September 10, 2012



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